

FILED '11 APR 27 14:26 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GARY E. CARTER,

Civ. No. 11-179-AA

Plaintiff,

ORDER

v.

WELLS FARGO BANK, N.A. AS
TRUSTEE FOR DELTA FUNDING
HOME EQUITY LOAN TRUST 1997-2,

Defendant.

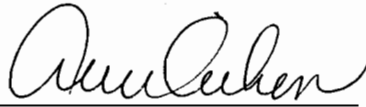
AIKEN, Chief Judge:

Plaintiff brought suit alleging that Deed of Trust encumbering his property was fraudulent and not properly assigned, and as a result, defendant has no rights to the property. Plaintiff seeks to quiet title and a declaration that he is the owner of the property.

Defendant moved to dismiss plaintiff's complaint for failure to state a claim and other asserted grounds. In response, plaintiff moved to voluntarily dismiss, stating that defendant has canceled a Trustee's Sale and plaintiff therefore "has no further cause of action." Defendant filed no opposition to plaintiff's motion to voluntarily dismiss.

Accordingly, plaintiff's Motion to Voluntary Dismiss (doc. 8) is GRANTED, and this action is DISMISSED without prejudice. Defendant's Motion to Dismiss (doc. 4) is DENIED as moot. IT IS SO ORDERED.

Dated this 26 day of April, 2011.

A handwritten signature in cursive script, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge